

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

J.H., by and through his next friend
Terina Gray, on behalf of himself
and all persons similarly situated

PLAINTIFFS

VS.

CIVIL NO. 3:11CV327-DPJ-FKB

HINDS COUNTY, MISSISSIPPI

DEFENDANT

STATUS CONFERENCE

BEFORE THE HONORABLE DANIEL P. JORDAN III
UNITED STATES DISTRICT JUDGE
APRIL 24TH, 2018
JACKSON, MISSISSIPPI

APPEARANCES:

FOR THE PLAINTIFF: MS. PALOMA WU
MR. JODY E. OWENS II
MS. ELISSA F. JOHNSON

FOR THE DEFENDANT: MR. PIETER TEEUWISSEN
MR. ANTHONY R. SIMON

REPORTED BY: MARY VIRGINIA "Gina" MORRIS, RMR, CRR

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1 (COURT CALLED TO ORDER)

2 THE COURT: Thank you. You may be seated. All right.
3 Good morning.

4 (ALL RESPONDED "GOOD MORNING")

5 THE COURT: We're obviously here in the case of *J.H.*
6 *v. Hinds County*, 3:11cv327. Let me ask counsel to introduce
7 yourselves for the record.

8 MS. WU: Paloma Wu. I'm a lawyer for Southern Poverty
9 Law Center.

10 MR. OWENS: Jody Owens, Your Honor.

11 MS. JOHNSON: Elissa Johnson for the plaintiffs as
12 well, Your Honor.

13 MR. TEEUWISSEN: Good morning, Your Honor.
14 Pieter Teeuwissen, board attorney for Hinds County, and Anthony
15 Simon, special legal counsel for Hinds County. And we have
16 several county representatives present in the courtroom. May I
17 introduce them?

18 THE COURT: Of course.

19 MR. TEEUWISSEN: Present, Your Honor, this morning we
20 have in the blue shirt Mr. Eric Dorsey, who is the quality
21 assurance officer at Henley-Young. Next to him in the white
22 shirt is Mr. Eddie Burnside, the operations manager at
23 Henley-Young. And next to him is Major Mary Rushing of the
24 sheriff's department, who is also involved in some matters
25 we'll be discussing this morning at Henley-Young.

1 Thank you, Your Honor.

2 THE COURT: Is that it?

3 MR. TEEUWISSEN: Yes, sir. Thank you, Your Honor.

4 MS. WU: Your Honor, Mr. Dixon, the court's monitor,
5 is also here.

6 THE COURT: Oh, hey. Mr. Dixon, how are you?

7 MR. DIXON: Good, Judge.

8 THE COURT: I didn't see you. Mr. Teeuwissen casts a
9 big frame there. I didn't see you sitting behind him there.
10 All right. The parties asked for this status conference. So
11 how do you want to proceed?

12 MS. WU: Thank you, Your Honor, for the opportunity to
13 speak and discuss the status of this matter. We represent the
14 plaintiffs, who are all children who are residing at the
15 Henley-Young Detention Facility. The reason for today's status
16 conference is that the parties moved jointly to extend the
17 consent decree through March of 2019.

18 Our purpose is to take this opportunity to ask for the
19 court's assistance in achieving success in the next eleven
20 months. To that end we'd like to very briefly describe to the
21 court four key topics: Where we've been recently, where we're
22 going, and where we are today, as well as what we're asking
23 from the court.

24 As far as where we've been recently, we recently
25 learned that Mr. McDaniels has temporarily or permanently

1 departed as head of the detention facility. So it is worth
2 discussing moving forward how Henley-Young will have the
3 authority to make the types of decisions necessary to come into
4 compliance with certain provisions.

5 The second significant development is that beginning
6 in October of last year, the facility began housing a new
7 population of children who are being tried as adults. Because
8 these children are children residing at the Henley-Young
9 detention facility, these children are equal class members in
10 this case in every respect.

11 Plaintiffs agree with the court's monitor that as
12 long-term residents the consent decree provisions relating to
13 post-disposition residents apply with equal force to the CTA
14 population because, as is in the consent decree, the
15 postposition population is a proxy for long-term resident, and
16 CTA is our long-term resident. They are anticipated to have a
17 length of stay of between nine months to two years.

18 That the CTA population transition has gone so well
19 thus far is a testament to the structural and cultural
20 integrity of the administration at the facility. It cannot be
21 overstated. It is also a testament to the positive working
22 relationship with this court's monitor, Mr. Dixon, who we're
23 fortunate has both the knowledge and experience with housing
24 children under adult and youth court jurisdiction together.

25 It is fair to say that so far the facility has moved

1 mountains to come to the place where we are now with the
2 consent decree, and nothing that plaintiffs have to say
3 regarding the road to come is meant to detract or minimize from
4 this reality.

5 In order to talk about where we are now, we'd like to
6 draw the court's attention to the chart that we're putting up
7 on the Elmo. And we can pass out copies to the court and to
8 opposing counsel.

9 The chart that's up right now on the Elmo shows all of
10 the 71 provisions in the original consent decree. Across the X
11 axis are all 12 reports thus far that the court monitor has
12 provided. We have color coded it to correspond with the
13 designations that the court monitor himself uses.
14 Noncompliance red, beginning compliance orange, yellow is
15 partial compliance, substantial compliance is green or is
16 black, depending on which amendment to the consent decree it
17 eliminated.

18 Right now, the 12th monitoring report tells us that
19 41 percent of all of the consent decree provisions have been --
20 achieved substantial compliance. That is 29 of the original 71
21 provisions. This 29 includes the 24 which have already been
22 eliminated by amendment.

23 What we'd like to do is to ask for the court's
24 assistance in achieving compliance with the three major subject
25 matter topics that we have had the most ground to cover in the

1 next eleven months. These are mental health, medical, and
2 education.

3 Dr. Boesky is the medical expert in this case that
4 Mr. Dixon has chosen to work with. Her third report makes, by
5 our count, approximately 150 recommendations. When plaintiffs
6 tried to group those recommendations into the preexisting
7 categories provided by the provisions of the consent decree, we
8 found that they relate to approximately 25 provisions of the
9 consent decree, so not simply the mental health care section,
10 but other sections relating to intake screening and the like.

11 Of these 25 provisions, the facility is in substantial
12 compliance with only one. This is less than half of
13 one percent. They -- as to five of the provisions, five are
14 noncompliant and eleven have beginning compliance.

15 If I have permission to approach the bench, I would
16 like to give you a hard copy of it.

17 THE COURT: Okay.

18 (DOCUMENT TENDERED TO COURT)

19 MS. WU: We included at the top of the chart the
20 precise definition of the compliance code measurements that our
21 court monitor uses. It's helpful to note that beginning
22 compliance only requires that a policy be written. It requires
23 zero implementation. So 16 of the 25 provisions relating to
24 mental health in the consent decree are either noncompliance or
25 only at beginning compliance.

1 Dr. Ezike is the medical expert in this case.

2 Dr. Ezike's most recent third report makes approximately 35
3 main recommendations. Those recommendations by our analysis
4 fall into approximately 16 of the preexisting provisions of the
5 consent decree.

6 Two of those 16 provisions are in substantial
7 compliance, which is slightly more than a tenth of a percent.
8 And of those, seven are in beginning compliance, which means,
9 again, that no implementation has been made.

10 Finally, Dr. Brooks is the education subject matter
11 expert. In her most recent third report she makes
12 approximately 25 main recommendations. We categorize those
13 into five preexisting provisions of the consent decree. Of
14 those the county has achieved substantial compliance in only
15 one of five.

16 It's fair to say that the most progress as to the
17 consent decree has been made in the last two years since
18 Mr. McDaniels took the helm and conditions have been friendlier
19 towards progress in those areas.

20 We feel that with 69 percent of the provisions
21 remaining to achieve substantial compliance it would be
22 extremely helpful if the court could provide concrete ways for
23 the parties to continue progress, particularly in these three
24 subject matter areas.

25 In general, we would ask for a schedule of status

1 conferences in the next eleven months and some concrete dates
2 for production of policies. In particular, many of the
3 provisions that defendants have not yet gained compliance with
4 the court monitor has noted that policies are under development
5 or being written.

6 Right now it would be very helpful if we knew which
7 policies were under development or being written. It would be
8 helpful for plaintiffs if we were either included in in some
9 meaningful capacity the review of the remaining policy, only in
10 order to streamline the process, of course, not because those
11 policies require our approval, which they do not.

12 We would be interested to know what the mechanism is
13 that the defendants are using to have the subject matter
14 experts review the policies that are currently under
15 development and that are yet to be written. And we also think
16 it would be helpful to track the types of hiring decisions that
17 the subject matter experts have recommended be made and the
18 types that have been made and are yet to be made.

19 As you can see, plaintiffs are discussing 30,000-foot
20 issues with regards to the next eleven months. We're not
21 discussing any particular provisions. We think it's premature
22 to discuss particular provisions, because we feel that the most
23 productive way to do that would be in the context of a
24 structured assistance with this court, meeting with this court,
25 meeting with defendants.

1 And we do believe that the county is amenable. They
2 can, you know, attest for themselves. But they have been --
3 you know, in the spirit of cooperation have absolutely been
4 willing to talk with us and we're hopeful for the next eleven
5 months.

6 THE COURT: All right. Thank you. Mr. Teeuwissen.

7 MR. TEEUWISSEN: May it please the court.

8 THE COURT: Sure.

9 MR. TEEUWISSEN: Your Honor, would you permit me a few
10 minutes to provide a little context, and then I'll specifically
11 address some of the areas that Ms. Wu has raised? Thank you,
12 Your Honor.

13 Recently in this courthouse, Judge Barbour heard
14 testimony alleging all manner of mistreatment occurring at the
15 privately run East Mississippi Correctional Facility. The
16 warden in that case testified that such was the nature of
17 prisons, the nature of the beast, something to that effect.
18 Regardless of the constitutional merits, the testimony
19 indicated a sad state of affairs.

20 Perhaps this is why Nelson Mandela said, "No one truly
21 knows a nation until one has been inside its jails." Equally,
22 Douglas Hurd, British home secretary for Margaret Thatcher,
23 said, "Prison is an expensive way of making bad people worse."

24 Fortunately, the matter before this court, document
25 119, the joint motion to extend the consent decree, stands as

1 stark contrast to the litigation before Judge Barbour. Here
2 the parties have been cooperative and followed the lead of a
3 federal monitor, a monitor, Your Honor, who guides us through a
4 collaborative problem solving process and a monitor who's not
5 afraid to scold us appropriately when necessary to move us
6 along.

7 Four years ago we stood in this same courtroom and the
8 best Hinds County could offer Your Honor was an argument that
9 somehow a settlement agreement wasn't a consent decree. Your
10 Honor found that the county was at that time effectively in
11 contempt and had made no progress whatsoever, but withheld any
12 sanctions and gave us an attempt to start over.

13 Two years ago this court calmed and cajoled warring
14 parties into a tri-party peace treaty, document 106 in this
15 matter; and somehow that managed to stay out of the media.
16 Just this past December the Mississippi Supreme Court followed
17 the court's lead involving Jurist in Residence Hudson; and
18 there was an agreement reached between Judge Skinner, Judge
19 Priester and the county as to division of duties and funding
20 for various youth court needs.

21 All that circles us back to where we started in this
22 case, Your Honor, in 2011. Are the juveniles in Henley-Young
23 detained in a manner so as to protect and promote their
24 constitutional rights? The answer, Your Honor, is a healthy
25 yes.

1 Juveniles are safe and secure. Juveniles have access
2 to structured education. Juveniles have access to appropriate
3 medical care. The young folks eat well. One young man put on
4 20 pounds in his first month at Henley-Young as opposed to
5 staying in Raymond. But perhaps most importantly, the
6 juveniles now have access to case managers and mental health
7 personnel.

8 Finally, through the various court facilitators'
9 agreements, the number of youth detained for delinquency
10 averages about ten and their stay is limited to 21 days. Gone
11 are the days of 89-day programs without any content.

12 Feeling frisky, Your Honor, the county made a bold
13 move in September of last year and began housing juveniles
14 charged as adults at Henley-Young. While many of us held our
15 breath, we're pleased to announce that the integration is
16 working. That's right. Hinds County now has approximately ten
17 juveniles charged as adults receiving virtually the same
18 increased level of service as the delinquency juveniles.

19 Thus, we are diverting juveniles charged as adults
20 from the dysfunction at other county facilities and, hopefully,
21 offering them a second chance for those who deserve it. And
22 this is done in an environment that is largely calm and
23 arguably calmer than the home life of many of the individuals
24 who we now house.

25 Again, these individuals are safe and secure. The

1 protection of harm issue has enjoyed sustained compliance.

2 That is the most important thing.

3 Now, Your Honor, Hinds County will concede that our
4 work is not done. We need better educational services.
5 Jackson Public Schools just informed us that it did not have
6 funding for summer school at Henley-Young. Seems hard to
7 believe that a district with a \$300 million budget couldn't
8 come up with \$100,000, but it is what it is. That opens the
9 door for other approaches to education.

10 Likewise, our mental health services must continue
11 growing. To this end, the county as of last week engaged the
12 services of a licensed psychologist, Dr. Nanetta --
13 N-A-N-E-T-T-A -- S. Payne, Ph.D. She's licensed by the State
14 of Mississippi and she will provide services at Henley-Young
15 for 20 hours a week in addition to the case managers and mental
16 health personnel who are full-time.

17 A library and reading program would be nice.
18 Likewise, increased mentoring and discussion of career paths is
19 necessary. Stated differently, various types of next-level
20 programming are needed to not only ensure constitutional
21 compliance but really make a difference in the social fabric of
22 the city and the county.

23 To this end the county has recently engaged a
24 leadership development professional. This individual started
25 as a frontline youth detention officer in Ohio. He has worked

1 his way up through the ranks into administrative roles in both
2 youth and adult facilities. He is licensed, some sort of
3 certified management professional. And, best of all, he has
4 original ties to Hinds County.

5 Beginning in June he will take the next year to come
6 in and develop our shift supervisors, our frontline supervisory
7 personnel, as well as the administrative team to ensure that we
8 are all at every level promoting compliance, looking for new
9 ideas, and don't slide from the gains we have made.

10 Your Honor, Henley-Young is, in the best sense of the
11 word, a laboratory for improved detention conditions in
12 Mississippi. We try, we fail, we try again, we fight, we
13 litigate, we listen, and then we try some more. We are
14 building an innovative public facility.

15 Sure, we would all like it done faster. No question
16 about that. Your Honor expressed exasperation in 2014 at the
17 lack of progress and the pace at that time. Since that time,
18 we have significantly increased our compliance in the
19 conditions for these youth. Your Honor has been there. He has
20 seen some of the changes firsthand.

21 And with all due respect to the SPLC, compliance and
22 culture change isn't a scorecard. There's a lot more to it
23 than that.

24 We're proud of the facility we have now. We feel
25 ourselves on the cutting edge by incorporating the juveniles

1 charged as adults. And we see opportunity to improve what we
2 were doing and being a model facility in the state of
3 Mississippi and in the Southeast.

4 As to several of the issues raised by Attorney Wu,
5 Mr. McDaniels chose to run for the position of county court
6 judge. Your Honor is well versed in the history of animosity
7 between the board of supervisors and the existing senior county
8 court judge.

9 Therefore, Mr. Simon and I, in conjunction with
10 Ms. Carmen Davis, the county administrator, who, Your Honor,
11 would have been here, but she's on medical leave, recommended
12 to the board that Mr. McDaniels needed to take a leave of
13 absence. We have made too many gains with Judge Skinner to
14 risk the appearance of the board endorsing one candidate or
15 another. So it was the board's decision upon the
16 recommendation of counsel and Administrator Davis to place
17 Mr. McDaniels on leave.

18 Clearly, if he wins that race, we'll be searching for
19 a new director. If he does not, we will cross that bridge at
20 that time. But, again, looking from the 30,000-foot view, it
21 seemed more important to avoid the politics than to simply keep
22 him in place on the payroll.

23 THE COURT: When is that election?

24 MR. TEEUWISSEN: That election is November, Your
25 Honor, nonpartisan election. He went on leave effective

1 April 1st. The qualifying deadline is May 11th, Mr. Simon
2 says. If somehow he were not to have an opponent, I think we
3 could return him to the facility; but if there's any chance of
4 it being a contested race, with the funding issues that have
5 arisen in the past, the board is going to stay away from it.

6 Meanwhile --

7 THE COURT: Well, excuse me.

8 MR. TEEUWISSEN: Yes, Your Honor.

9 THE COURT: If it's uncontested -- I guess there's
10 been some -- I read some speculation that Judge Skinner might
11 run for county -- I mean for circuit?

12 MR. TEEUWISSEN: And chancery.

13 THE COURT: Okay. But if McDaniels ends up being
14 unopposed, you would return him to the facility until November?
15 Is that the plan?

16 MR. TEEUWISSEN: He would not -- the term does not
17 start until January. We would return him to the facility if
18 he's unopposed until he took over his duties as judge, and then
19 we would have a transition period with him.

20 THE COURT: And use that time to find somebody to
21 replace him?

22 MR. TEEUWISSEN: Yes.

23 THE COURT: And who is filling in for him now?

24 MR. TEEUWISSEN: A combination of Mr. Burnside and
25 Mr. Dorsey. They are the two most senior personnel and have

1 been the most involved in consent decree matters since the
2 inception of this litigation.

3 Moreover, Mr. Simon has taken a larger role, as he did
4 in 2014, with Mr. Bluntson of advising the facility on a
5 day-to-day, every-other-day basis to help Mr. Burnside and
6 Mr. Dorsey and Major Rushing. And Major Rushing is taking an
7 increased role even though she has a consent decree and plenty
8 of headaches herself because of the presence of juveniles
9 charged as adults.

10 Speaking of the JCA population as equal class members,
11 we absolutely agree they are equal class members. It was a
12 challenging decision on how we would integrate those youth.
13 And at Mr. Dixon's recommendation, we have not moved youth who
14 were already detained in Raymond to the facility. We started
15 in September with newly arrested youth who may be processed at
16 Raymond but then immediately brought to the Henley-Young
17 culture so that they are immersed in a positive culture from
18 day one as opposed to being exposed to the things that we
19 are -- the conditions that we are addressing in Raymond.

20 There is one individual who is 15 who's at Raymond,
21 Your Honor. With Mr. Dixon's guidance, we will integrate him
22 to Henley-Young.

23 There are six other individuals, Major Rushing? Five.
24 Five other individuals who are -- will age out this
25 year. We will leave those individuals at Raymond.

1 THE COURT: And the JCAs, how long are they typically
2 staying at Henley-Young?

3 MR. TEEUWISSEN: That's a very -- that's a concern,
4 Your Honor. Right now we have had some who have been there
5 since the fall, and we've been unable to impress upon the
6 District Attorney's Office the need to move those individuals
7 through the system faster.

8 The good news is that they have public defenders
9 assigned by the Hinds County Public Defender's Office,
10 Ms. Michele Purvis-Harris and her staff, who are very
11 competent. And those public defenders do routinely visit their
12 clients at Henley-Young.

13 What we've got to do now, Your Honor --

14 THE COURT: I'm sorry to interrupt --

15 MR. TEEUWISSEN: That's okay.

16 THE COURT: -- but I want to make sure I understand.
17 In looking at the Second Amended Consent Decree, you know, it
18 has a cap of 21 days and I think it says for those youth under
19 the jurisdiction of the youth court.

20 MR. TEEUWISSEN: Correct.

21 THE COURT: And I assume that means that the JCA kids
22 are not subject to that provision, which triggers a couple of
23 the other provisions where there are requirements for people
24 who stay over 30 days, none of which wouldn't apply if you
25 didn't have the JCA kids there.

1 MR. TEEUWISSEN: That's correct, Your Honor.

2 THE COURT: Okay.

3 MR. TEEUWISSEN: And we agree, and I'll take it a step
4 further. In cause number 3:16-cv-00489, which is the adult
5 consent decree, *United States of America v. Hinds County*, in
6 that cause number, document 2-1, section K, paragraphs 78
7 through 84, found on page 36 through 39, addresses the services
8 that we have to provide the JCAs. And it is in large measure
9 an overlap with the consent decree already in place before Your
10 Honor.

11 So we've got to provide those JCAs with the same level
12 of care that we -- and services that we provide the delinquency
13 people. The question is which location. Your Honor is right.
14 That means expanded services for the JCAs at Henley-Young.

15 The decision was made in consultation with Mr. Dixon
16 as well as Mr. Jim Mosler, who's a juvenile expert under the
17 adult consent decree, that the environment was significantly
18 better at Henley-Young and it was better for us to build upon
19 what we have done and provide some additional services at
20 Henley-Young for the JCAs. So we realize that -- I don't want
21 to say it upsets the apple cart but places some additional
22 challenges on us and we accept that.

23 THE COURT: All right.

24 MR. TEEUWISSEN: There was also reference to the
25 mental health issues. Those have been an ongoing challenge. I

1 would disagree with the SPLC that those are as bad as some
2 scorecard indicates, simply because two years ago we moved
3 funding from the youth court to the detention side to hire four
4 case managers, something that had not been done but that
5 Mr. Dixon had recommended. We had to go through litigation on
6 whether the board had authority to budget for that, but it has
7 occurred.

8 We have hired the licensed psychologist and are
9 actively doing all we can -- let's not forget this is
10 Mississippi, Your Honor. There's not a talent pool of
11 professionals who want to work in juvenile detention or
12 corrections settings. I believe the litigation that was before
13 Judge Barbour reflected the difficulties of an adult prison run
14 by a private corporation to provide mental health services.
15 The county faces those same challenges on a more limited
16 budget.

17 We have cast a wide net. We have called for CV's and
18 résumés. It simply takes some time to find the right qualified
19 people to put into the environment. We recognize that is a
20 challenge and want to proceed.

21 The education piece is perhaps the most challenging.
22 I was hoping the SPLC would have some answers as they joined --
23 took the position parallel with JPS with respect to charter
24 schools. I would hope they could figure out how to get JPS to
25 put some resources in the Henley-Young. It has not occurred.

1 As Your Honor is well aware, JPS is a failing school
2 district. It's a failing school district that the State of
3 Mississippi doesn't even want to take over. They created a
4 different approach. Well, that failing school district is our
5 current education provider, and I'm not sure what options we
6 have.

7 I will say this. We have recently been connected with
8 an individual who wants to discuss offering alternative
9 education services. This individual has done in it Washington,
10 D.C., is doing in it Orleans Parish, and provides a different
11 model.

12 We intend -- Mr. Simon and I intend to meet with him
13 in May in New Orleans to see what is being done there for
14 juveniles and see if we can develop a better program than
15 perhaps what JPS is offering or a program that can work in
16 conjunction with JPS to improve the offerings.

17 I'll just be candid, Your Honor, we can't have
18 juveniles in that facility all summer without education. We're
19 going to provide something if we have to hire an instructor to
20 provide GED training. One, it's unfair to the youth who need
21 the education. Two, bored youth create problems at the
22 facility. We need to keep their minds occupied, keep them
23 focused elsewhere.

24 There are no magic bullets for the mental health or
25 education. We've just got to keep marching up the hill, Your

1 Honor. And to that -- and we certainly defer to the guidance
2 of Mr. Dixon. He has done a yeoman's job at getting us where
3 we are, again, between educating us and scolding us. He finds
4 a good balance to keep us moving.

5 He has the respect of the board of supervisors, and I
6 will tell you I don't see the county parting with his services.
7 I think he'd have to tell us he absolutely wouldn't do it
8 before the county would part with his services, whether on a
9 consent decree for this, for the adults or whatever. The board
10 listens to Mr. Dixon and they accept his recommendations
11 wholeheartedly.

12 With that in mind, on the policies and procedures and
13 some of the other matters that I think Ms. Wu is much more --
14 and the SPLC are much more aware of the details than Mr. Simon
15 and I, I think it's best to defer to Mr. Dixon for explanations
16 about those items.

17 There are policies and procedures in place. I
18 understand there may not have been an exchange or review of
19 those, but I think there are some explanations from either
20 Mr. Dixon or -- it would have to be from Mr. Dixon as to
21 perhaps why that has not occurred as envisioned. But it's not
22 like we're running a facility without policies and procedures.

23 And, in fact, the juvenile monitor in the adult
24 consent decree has reviewed the policies and procedures and has
25 not criticized us. In fact, out of all the monitors we have in

1 the adult consent decree -- and we're currently running
2 somewhere in the neighborhood of six -- the juvenile monitor is
3 the only one who's saying we're doing something right.

4 And that's largely based on the efforts of the SPLC
5 and the county working at an arm's length but in a cooperative
6 adversarial sense. I know it's somewhat of an oxymoron,
7 cooperative adversary, but that's what we've been doing. And
8 so we've had -- ultimately, that means the DOJ has also looked
9 at what we're doing for the juveniles as well.

10 It's working. It's a work in progress, but it's
11 working. I don't think any of us are going to be satisfied
12 until we have exceeded every expectation that is here, but
13 culture change does not come easy.

14 Your Honor, that's all I have initially. I'll answer
15 any other questions Your Honor may have about the facility or
16 about the decisions that Hinds County has made, any funding
17 decisions or other matters.

18 I certainly had -- if Your Honor needs to hear from
19 any of them, you're welcome to hear from Mr. Dorsey,
20 Mr. Burnside or Major Rushing. I don't know that they can add
21 anything more specific; but if Your Honor wants to hear
22 anything, they're certainly here before the court and ready to
23 address any matters.

24 THE COURT: All right. Thank you. Let me hear from
25 Mr. Dixon. Does either side wish to have him sworn in? I

1 wasn't planning on doing that.

2 MR. OWENS: Not for the plaintiffs, Your Honor.

3 THE COURT: Mr. Dixon, you can either speak there if
4 you want to or come sit down up here.

5 MR. DIXON: Morning, Your Honor. Whatever you want to
6 do is fine. I'll sit. This was a comfortable chair the last
7 time too. Any questions or --

8 THE COURT: Well, I think Ms. Wu sort of gave us an
9 outline, and I do want to hear your thoughts on it and, you
10 know, I guess starting with Mr. McDaniels' departure, where we
11 are with that and then go down. Let's hit on the education
12 component, the mental health component, as well as the
13 recommendations from the subject area experts. Obviously, I've
14 read your report, but this morning puts it in a little
15 different context I guess.

16 MR. DIXON: Okay. We can start with the
17 administration piece of it with Mr. McDaniels. The county has
18 put in a good team of folks. One of the things that I did,
19 well, was to try to have a collective group of people to work
20 together as a team to get things accomplished.

21 The bulk of those things were done by the quality
22 assurance and the operations manager. Mr. McDaniels' key role
23 was actually the administrative piece in trying to move things
24 along with the county board and those kinds of things and with
25 the county administrator and the attorneys.

1 Based on what I have seen at this point, although he's
2 gone for this short -- for this period of time for ever how
3 long, I don't see anything falling apart based on that. One of
4 the reasons is because the county attorneys and the county
5 administrator have been key partners in trying to ensure that
6 things happen properly at the facility. And, to me, that's
7 always the major -- major part.

8 And the county board has also -- and I've met with
9 them on several occasions. They have been very professional
10 and very engaging in trying to make sure that there was
11 resources there and moving resources around to do some of the
12 things that we need to have done.

13 As relates to the mental health, the key for me --

14 THE COURT: I take it you're comfortable with the plan
15 of sort of waiting to see what happens with the election. You
16 know, if he doesn't get elected, bring him back. It sounds to
17 me like he's done a good job and that -- I mean the reports
18 seem to be favorable towards his -- and I know how hard it was
19 to find him.

20 MR. DIXON: Right.

21 THE COURT: But you're comfortable with sort of
22 playing it out, seeing what happens with the election; if he
23 doesn't prevail, he comes back. If he's unopposed, he comes
24 back in an interim period where during that -- that would give
25 us time to find a permanent replacement?

1 MR. DIXON: Yes.

2 THE COURT: Okay.

3 MR. DIXON: I'm comfortable with that. As it relates
4 to the mental health, Dr. Boesky has been very instrumental in
5 working with the current folks there. One of the keys to this
6 is that they do have policies and procedures. What was needed
7 was a professional there, which they have just hired, to ensure
8 that those things are implemented properly and that there is a
9 process by which those policies and procedures are carried out
10 and someone to identify when there are issues or problems and
11 things that need to be adjusted.

12 I think it's Dr. Payne. I met her last Friday. And
13 she appears to be competent and capable. I put her together
14 with Dr. Boesky last Friday; and they're working out some times
15 to come down to work out all of the other details, because
16 mental health is -- well, let me back up a little.

17 The major concern at any institution is the safety and
18 security aspect. If you don't have the safety and security
19 aspect, you won't be able to do mental health or anything else.
20 So the key for me was to ensure that we had a safe and secure
21 environment and then you tackle all of the other things. And
22 that's what we have done.

23 I'm a firm believer that as Dr. Payne and Dr. Boesky
24 get together, that things will move a lot quicker, you know,
25 with mental health. And I see the same thing happening, you

1 know, with medical.

2 As I've told SPLC and I've also told the county,
3 there's a human factor involved in these things. It's not as
4 simple as just writing some policies and this stuff just being
5 carried out. People have to be trained. You also have to
6 ensure that they are consistent in what they're doing.

7 And that does not mean that you won't have problems
8 from time to time. Having a problem in an institution is, like
9 I've told people, you know, before, if you show me a school
10 where kids don't have problems, I'll show you one that's not
11 open. And you have the worst of the worst.

12 And so it's not that there won't be problems. The
13 issue is how do you resolve those problems and do you have the
14 resources in place and you can identify things to ensure that
15 you're taking care of kids. And that's, you know, what should
16 be occurring.

17 The other thing that I've told them is that I don't
18 think people are giving folks enough credit of what has been
19 accomplished so far. You started out with 77 or 80 kids in a
20 facility that was in horrible condition with no services at
21 all.

22 THE COURT: Right.

23 MR. DIXON: And now you're averaging about 20, 25
24 kids. And, to me, most people in the country would love to be
25 able to do that. That's something that I don't think people

1 have given folks credit on.

2 And also working through the bureaucracies. If they
3 were easy to work through -- it's not like it's the private
4 sector where you say, *I want this done tomorrow*, or you can --
5 it doesn't work that way. And so you have to have the reality
6 of what really happens, you know, in bureaucracy and government
7 to move things, you know, forward.

8 I also advised them there's a few facilities around
9 this country that have been in this thing for 25, 30 years.
10 That's not going to happen here. And so I think we have to
11 give folks credit for what has been accomplished so far. And I
12 don't think they get enough credit for that. That's a major,
13 major accomplishment.

14 When I did this -- and I have experience in it -- it
15 took me nine years to get it where we needed to have it. And
16 so that's why I'm not uncomfortable with what's going on in
17 the -- what's going on in this process. Yeah, I would love to
18 have it done yesterday because I have other things I want to
19 do; but it doesn't work that way.

20 I think -- what was the other question?

21 THE COURT: Well, there was a question Ms. Wu asked
22 about the policies that are under development I guess at this
23 point.

24 And, Ms. Wu, I guess, are you just asking -- I mean,
25 it's throughout his report. But are you asking for like a list

1 of the policies that are currently under development? Is that
2 what you're getting at?

3 MS. WU: Your Honor, we would respectfully disagree
4 that the policies and procedures are in place; they simply need
5 to lift off.

6 THE COURT: No, no, no. That's not what I said.
7 Maybe I misunderstood what you said. His report indicates that
8 there's certain policies and procedures that are under
9 development. Doesn't mean they've been implemented. And I
10 thought you were asking for a list of the ones that they're
11 still working on. Did I misunderstand that?

12 MS. WU: No. For the purpose of making sure we're
13 moving forward apace, we would like to distinguish between the
14 policies that the experts have reviewed, many of which they
15 have said need to be revised, the policies that have not yet
16 been written at all, and the policies that are vaguely under
17 development.

18 THE COURT: Okay. Mr. Dixon, I don't expect you to
19 rattle that off off the top of your head, but can you provide a
20 list that would provide that information?

21 MR. DIXON: Yes. I could get with Dr. Boesky and
22 those, and that's not a difficult task.

23 THE COURT: I think she's just asking for, you know,
24 status, a more specific status as to policies and procedures
25 that are not yet at substantial compliance.

1 MR. DIXON: There's no question. Yes.

2 THE COURT: Okay. All right. Does either side have
3 any questions for Mr. Dixon?

4 MS. WU: Mr. Dixon, do you see the county coming into
5 compliance in the coming year on March --

6 MR. DIXON: Say it again.

7 MS. WU: Do you see the county coming into compliance
8 by March 2019?

9 MR. DIXON: I would hope so. I never guarantee in
10 these things because you never know what's going to happen, and
11 I hate giving concrete because these are not concrete
12 environments.

13 This is not like putting a car together on the
14 assembly line. Sometimes the parts don't work and you go back
15 and you readjust things and you try to get them there. The
16 question is, really, are you making progress on what you're
17 trying to get accomplished.

18 MS. WU: Would you say that in six months we would
19 know whether the county was going to achieve compliance by
20 March 2019?

21 MR. DIXON: I think in six months you'll have some
22 idea of where you're trying to get to. Again, I never
23 guarantee -- I never guarantee that. I just -- I don't know
24 how you do that. In my experience, you could start out and
25 something occurs, funding has to be readdressed, there's things

1 that could occur that you have no control over. And you try to
2 put the best program you can in place and you try to get there,
3 but I never guarantee -- I learned that a long time ago. You
4 don't do that. I'd rather work on it and get there.

5 That's why I don't believe that you should have dates,
6 you know, in these things, because when you tell someone you're
7 going to finish something at a certain time and you don't know
8 all of the dynamics that's involved, then it's like, you know,
9 you didn't give them the correct answer and people are saying,
10 *Well, you didn't -- you said you were going to finish on this*
11 *date and you didn't.*

12 And what I've found in these experiences and my
13 experience in dealing with some of my other colleagues, they
14 start out saying, *Oh, we're going to finish this in two years;*
15 and here it is eight years later, they're still dealing with
16 it.

17 I don't see that happening here because I think
18 they're making tremendous progress. But I never guarantee
19 dates.

20 MS. WU: Is there anything that the court can do to
21 help ensure that the county achieves compliance by March 2019?

22 MR. DIXON: Unless the court has a magic ball, I don't
23 know how you do that.

24 THE COURT: I do.

25 MR. DIXON: I don't know how you do that. I know --

1 you asked me the same thing but different ways. I'm going to
2 give you the same answer.

3 MS. WU: Are you aware of whether the facility has
4 full authority without Mr. McDaniels in place to hire, fire,
5 create new positions, post new positions, hire for any
6 positions, adopt policies?

7 MR. DIXON: Oh, no question. No question. And I
8 think with the -- with Dr. Payne coming in, I think that's
9 going to make it just that much better, because those are
10 professionals that's doing what needs to be done.

11 And Mr. Burnside and Mr. Dorsey have actually been the
12 key people in this process of moving things even before
13 Mr. McDaniels came. They needed someone to help them move it.
14 And what I see happening in the county now is that I know --
15 and I show up on unannounced visits, and so I see that the
16 county is still moving in that direction.

17 The attorneys, you know, Pieter and Anthony and
18 Ms. Davis, everything I've seen they have not, you know,
19 slacked off or moved any different direction than where we need
20 to go.

21 MS. WU: This may be a more technical question, but
22 are you aware of whether they have the institutional
23 organizational authority to sign off on policies to allocate
24 funding towards new positions, that kind of thing?

25 MR. DIXON: No. I think that with them getting with

1 the attorneys, based on what I've seen, that they have helped
2 them do that. I think they've told them what they needed and
3 they've acquiesced to that. So that's what I've seen. Yeah.

4 MS. WU: In about -- of the entire universe of
5 policies and procedures that need to be in place in order to
6 come into full compliance, about what percentage are in final
7 form and being implemented today?

8 MR. DIXON: Oh, I don't know the percentage.

9 THE COURT: He's going to provide a list that will
10 tell us.

11 MS. WU: Okay.

12 If the court were to order that we have a 60-day or a
13 90-day status conference in order to check in about progress,
14 do you think that would help the county achieve compliance?

15 MR. DIXON: That's a maybe. Based on my experience in
16 working in Hinds County, they've actually made a lot of
17 progress without the court having any intervention except for,
18 you know, the extensions of stuff. I think that -- you know,
19 my professional opinion, that they're moving the way they
20 should be moving. I don't know how else to -- to place it.

21 One of the biggest recommendations that I would have
22 if I was going to have the court involved was to something
23 happen -- that something is put in place so that the kids
24 receive their educational services during the school -- during
25 the summer.

1 To me, that would be one of the keys, because
2 education, mental health, medical, all those things, case
3 management, all come together. And if a kid has some serious
4 educational deficiencies, then you want to be able to identify
5 those. And if there's no school, then it's very difficult to
6 identify those. And that's one of the key problems that you
7 have with our kids.

8 So -- and that would be one of the things that I would
9 ask the court to do if I was going to ask them to do anything.

10 MS. WU: I just want to touch on a couple of things on
11 Dr. Boesky's report. Are there still no mental health or
12 substance abuse treatment being provided to youth at
13 Henley-Young?

14 MR. DIXON: Well, there's not the level I think that
15 she wants. There's some services being provided, but it's not
16 at the level. That's why it was a key to get the -- Dr. Payne
17 in so that she could move that to the next level.

18 You have your QMHPs now, but you don't have the --
19 they don't have the -- I want to say the medical knowhow to
20 look at the different diagnoses and the different programmatic
21 things that need to occur once the kids have been identified.
22 And that's what Dr. Boesky is there for.

23 And with Dr. Payne coming in, I think that's going to
24 pretty much reduce that, and they will have those things put in
25 place. That's why I am not really concerned about the policies

1 and procedures at this point, because they do have stuff.
2 However, Dr. Payne is going to codify those things better and
3 make them more -- I wouldn't want to use the word
4 "appropriate," for lack of a better term, but a better level of
5 services that the kids would get with a high-level professional
6 looking at it.

7 MS. WU: Dr. Boesky's September 2016 report
8 recommended hiring at least two full-time licensed
9 doctoral-level clinical psychologists. What yardstick will you
10 use to determine whether the current 30 hours per week
11 hiring --

12 MR. DIXON: The number of kids.

13 MS. WU: -- is sufficient?

14 MR. DIXON: The number of kids you have. You set your
15 systems up based on the population that you have in the
16 facility. When we were looking at it, we were talking about if
17 the facility was full, what would you need to have. And so
18 with the facility averaging, you know, 25, 30 kids, you know, I
19 don't think you need to have -- it's not necessary to have two
20 full-time, you know, folks.

21 I have a facility of 400 kids and we have three, you
22 know, licensed, you know, psychiatrists. And so -- and it's
23 one -- and we have them broken up in centers. And there's 30
24 kids to a center and there's one, you know, full-time
25 psychologist for those 30 kids.

1 THE COURT: Mr. Dixon, let me ask you a question about
2 that. You know, in some of these reports from the subject
3 matter experts, they make recommendations that are helpful,
4 instructive and good recommendations, but they may go beyond
5 what the consent decree requires.

6 And at this point I'm more concerned with making sure
7 that we address all of the problems identified in the consent
8 decree, which, as you've said, and I completely agree, there's
9 a lot of work that's been done. There's a lot of work that
10 remains to be done. And I'm afraid sometimes if you put too
11 many ornaments on a tree, it tips over.

12 And I don't really want the facility worrying about
13 things that are -- would be lagniappe at this point. I want
14 the basics covered first. And I'm wondering, when you go
15 through these reports and you make your report and your
16 recommendation is based on those reports, are you thinking in
17 terms of, *Okay. This is -- this would be great, but this is*
18 *not required by this provision of the consent decree?*

19 MR. DIXON: Yes, that was correct. I'm not looking at
20 the pie in the sky. I'm looking at do we have the basics in
21 place. And my position has been if you have the basics in
22 place, then everything else will take care of itself.

23 THE COURT: All right. Thank you. Anything else for
24 Mr. Dixon?

25 MS. WU: With regards to the suicide prevention

1 policies, is there -- are there plans to make a suicide
2 resistant room or is the new hire supposed to be creating
3 the -- doing implementation for the system?

4 MR. DIXON: Yeah, that would be Dr. Boesky -- I always
5 get that -- and Dr. Payne. That would be their -- what they
6 think should happen. You know, some facilities I've worked in
7 they do have that; some facilities don't. But, again, as I've
8 said, you know, in the past, we -- we have to understand that
9 this is supposed to be short term.

10 Juvenile detention centers are the emergency rooms of
11 the juvenile justice system. They're not supposed to be the
12 kids stay there for long periods of time. Now, the JCAs are
13 going to be there or the -- what do you call them? That's what
14 they are?

15 MR. TEEUWISSEN: Yes.

16 MR. DIXON: They're going to be longer. And, of
17 course, you have to modify your programming, you know, based on
18 that. But it's still the idea of kids are only supposed to be
19 in for a very short period of time. And you triage them and
20 you get some services together. You -- it's the beginning of
21 the rehab process. It's not the rehabilitation process.

22 And I think we have to educate people more on that.
23 And if we educate them more on that, you're not going to need
24 as much, because the kids are not going to be in there for a
25 long period of time.

1 MS. WU: It's not within the purview of the facility
2 to decide how long a CTA stays there. Right?

3 MR. DIXON: Beg your pardon?

4 MS. WU: It's not within the purview of the facility
5 to decide how long the children charged as adults will stay in
6 the facility?

7 MR. DIXON: No, no. That's the court. The court
8 determines that.

9 MS. WU: And they may be there for a couple of years.

10 MR. DIXON: They could be. I have some that's been
11 for a couple of years. But you have to modify your programs to
12 address those things. That's why education, to me, is one of
13 the key components of your programming, because you have to
14 have ways of ensuring that kids have a structured program
15 daily.

16 And, to me, the educational program is a structured
17 program, which means you can also identify a lot of problems
18 that kids have. If they're not in school, then it's very
19 difficult to deal with those problems or identify those
20 problems.

21 MS. WU: That's all I have. Thank you very much.

22 MR. DIXON: Okay. You're welcome.

23 THE COURT: Mr. Teeuwissen, would you like to ask any
24 questions?

25 MR. TEEUWISSEN: No questions, Your Honor, but I do

1 have one brief but important matter I need to put on the
2 record.

3 THE COURT: Okay. Mr. Dixon, thanks. You can return.

4 MR. DIXON: Okay.

5 THE COURT: Yes, sir.

6 MR. TEEUWISSEN: Your Honor, one of the -- one of the
7 many challenges involves facility pay. Mr. Dixon in the fall
8 through the efforts of Mr. McDaniels, Mr. Burnside and
9 Mr. Dorsey, identified some unappropriated funding within the
10 facility budget. And I'd be remiss if I didn't give Ms. Davis
11 the credit.

12 Effective February 1st of this year, all frontline
13 detention personnel received an increase in pay so that they
14 are now making the same as the individuals who are providing
15 detention to the adults, who have also received an increase in
16 pay.

17 Now, Your Honor, the pay is still woefully below where
18 we would want it to be, but I do think it's important for Your
19 Honor to know that Mr. Dixon made that recommendation and that
20 funding -- existing funding was reprogrammed to promote that.

21 The importance of that is we hope to see a decrease in
22 staff turnover which, again, fosters a better environment. And
23 I think Your Honor is well aware that in any detention facility
24 turnover is probably one of the largest challenges.

25 Ms. Davis also has -- addresses some of the issues

1 that SPLC has raised in terms of her authority. Mr. McDaniels
2 reported to her as county administrator. And, again, she just
3 went on medical leave. It's about a six-weeks recovery time
4 from her procedure. She'll be back May 21st.

5 So not only is there full authority to implement
6 anything that's necessary, Ms. Davis worked with Mr. McDaniels
7 to ensure that his transition into -- on leave status would not
8 have any hiccups in the process by herself taking on additional
9 responsibilities. And she fully supports Mr. Burnside and
10 Mr. Dorsey from a day-to-day standpoint. Thank you, Your
11 Honor.

12 THE COURT: All right. Thank you. Well, let me just
13 say this quickly, and I guess I'll echo what Mr. Dixon said.
14 If you look at that chart, up until about June of 2014 or so
15 there was basically nothing that was done. And that chart --
16 you can see where the contempt order was entered on that chart.
17 It's pretty obvious. And then you can see later, once we sort
18 of worked out the who's-in-charge-type issues, you saw more
19 progress after that.

20 I never thought any of this would be easy. I do think
21 that once the county took it seriously, there's been a lot of
22 progress made. But if you hand any organization the number of
23 requirements that we have handed this organization, even a good
24 organization would have a hard time implementing everything
25 that's on the list. And so it's not something that happens

1 overnight. It is cultural.

2 It has been impacted by turnover, not only in the
3 administration, but also -- of the facility, but also just the
4 employees of the facility. It's a process and the process, you
5 know, takes time. It is not a case that I would like to hand
6 over to another judge when I retire.

7 And I do -- Mr. Teeuwissen and Mr. Simon, I do want to
8 thank the both of you because I think that you've been somewhat
9 implemental in -- let me say irreplaceable in getting the
10 county on board with what we need to do. Unfortunately,
11 there's still a lot more to do. And you just signed an
12 agreement that you're going to make a lot of progress in the
13 next 90 days, which is ambitious, but that's what you've agreed
14 to.

15 I don't -- you know, I'm not opposed to having status
16 conferences. Mr. Dixon doesn't seem to think that's helpful.
17 I don't mind doing it. I'm reading these reports anyway and if
18 the parties, you know, want to add something to what's already
19 been written. I do think that given the 90-day period that
20 you've put into this Second Amended Consent Decree that it
21 would make sense to have a little checkup in about 90 days just
22 to see where we are on all that.

23 And, Mr. Dixon, how long do you think you need to
24 prepare that -- just the list of policies and procedures and
25 where they are in terms of status?

1 MR. DIXON: Probably in the next couple of weeks.

2 THE COURT: Okay. If you would, provide that to the
3 parties and also a copy to me. The obvious block that sort of
4 stands out here is the mental health component. And it
5 certainly seems now that you've hired a licensed psychologist,
6 that that's one of the requirements that Mr. Dixon has listed
7 throughout that section and it also touches on some other
8 sections, like intake, for example, as I recall. So I would
9 expect to see some pretty good progress in the next 90 days in
10 that area.

11 I guess I'll just ask the parties to contact
12 Ms. Powell here and get it on the calendar. I don't know that
13 we need to do this in open court. I feel like a lot of times
14 these types of conversations are more productive in my
15 conference room, but y'all wanted this on the record. I'll do
16 it however you want to do it.

17 And let me I guess add one last thing.
18 Mr. Teeuwissen, I'm going to ask the county to within two weeks
19 docket a report explaining your plans to the extent they've
20 been worked out regarding the summer school issue. You
21 indicated that JPS has I guess pulled the plug financially, but
22 that the county's committed to providing something. And I know
23 that's going to be a challenge. So just give us an update in
24 about two weeks, because the summer is rapidly approaching.

25 MR. TEEUWISSEN: Yes, sir, Your Honor.

1 THE COURT: All right. Ms. Wu, is there anything else
2 that you would like to cover or take up at this time?

3 MS. WU: Not at this time, Your Honor. Thank you.

4 THE COURT: All right. Mr. Teeuwissen, how about you?

5 MR. TEEUWISSEN: No, Your Honor.

6 THE COURT: All right. Mr. Dorsey and Mr. Burnside,
7 thank you for being here, and I appreciate it. I met you guys
8 over at the facility and I've seen you in action, so to speak.
9 Appreciate your efforts and appreciate you stepping up here
10 while Mr. McDaniels is out.

11 Mr. Dixon, as always, thank you for your help.

12 And if there's nothing else, we're adjourned. Yeah,
13 there is something else.

14 MS. WU: Pardon me, Your Honor. I would like to enter
15 in as an exhibit the chart, if possible.

16 THE COURT: Not a problem. Make that P-1.

17 MS. WU: Thank you, Your Honor.

18 (EXHIBIT P-1 MARKED)

19 THE COURT: All right. Anything else?

20 MS. WU: No.

21 THE COURT: All right. We're adjourned. Thank you.

22 (HEARING CONCLUDED)
23
24
25

CERTIFICATE OF REPORTER

I, MARY VIRGINIA "Gina" MORRIS, Official Court Reporter, United States District Court, Southern District of Mississippi, do hereby certify that the above and foregoing pages contain a full, true and correct transcript of the proceedings had in the aforementioned case at the time and place indicated, which proceedings were recorded by me to the best of my skill and ability.

I certify that the transcript fees and format comply with those prescribed by the Court and Judicial Conference of the United States.

This the 17th day of September, 2018.

s/ Gina Morris
U.S. DISTRICT COURT REPORTER